



## Health Policy Briefing

February 3, 2020

### House Passes Suicide Research, Fentanyl Analogues Legislation

The House of Representatives passed H.R. 4704, the *Advancing Research to Prevent Suicide Act*, by a roll call vote of 385-8. The bill, which was introduced by Rep. Ben McAdams (D-Utah), directs the National Science Foundation (NSF) to support research on the science of suicide. It was reported out of the House Committee on Science, Space, and Technology in December.

The House also considered the *Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act* (S. 3201) last week. The bill would extend for 15 months the Drug Enforcement Administration's (DEA) authority to regulate all new fentanyl analogues as Schedule I drugs. The previous order was scheduled to expire in February. The bill was passed by a vote of 320-88, despite opposition from the Congressional Black Caucus and the Congressional Progressive Caucus due to concerns that it will continue failed "war on drug" policies and exacerbate mass incarceration. The bill passed the Senate by unanimous consent earlier this month and will now be sent to the President's desk for his signature.

### Coronavirus Declared Public Health Emergency

The United States has implemented strict travel restrictions in an effort to contain the novel coronavirus outbreak that has killed more than 300 people in China and infected more than 14,000 worldwide. Members of the House of Representatives were briefed on the situation by the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), the Food and Drug Administration (FDA), and the Assistant Secretary for Preparedness and Response (ASPR) last week. U.S. health officials will send a team of science and research

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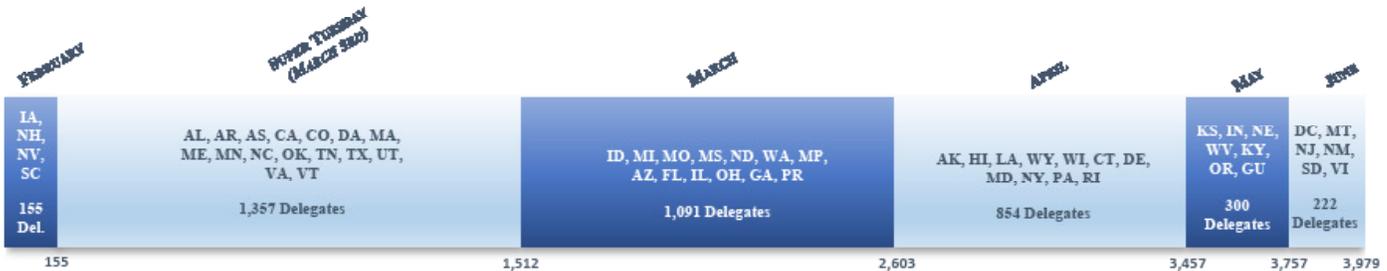
specialists to China to study the coronavirus and determine the scope of the outbreak. They also announced that efforts are underway to identify diagnostics, therapeutics, and vaccines to help combat the virus.

Bipartisan leadership of the Senate Homeland Security and Governmental Affairs Committee have written to Acting Secretary of the U.S. Department of Homeland Security (DHS) Chad Wolf requesting more information on what the administration is doing to stem the spread of the virus. Chairman Ron Johnson (R-Wis.) and Ranking Member Gary Peters (D-Mich.) cite a 2016 reporting finding “system-wide gaps in ensuring all airport travelers received full health screenings” during the Ebola virus outbreak as the reason for their inquiry. The ask for details about how DHS plans to determine where to implement airport screenings. In a letter to Secretary of State Mike Pompeo, U.S. Department of Health and Human Services (HHS) Secretary Alex Azar, and DHS Secretary Wolf, Sen. Tom Cotton (R-Ark.) called on the administration to implement a targeted travel ban on all commercial flights between the U.S. and China, allowing U.S. citizens living in China to return only under “appropriate, elevated monitoring.”

### 2020 Presidential Election: Iowa Caucuses and Beyond

Today, Democrats will gather in Iowa for the first of 57 caucuses and primaries that will take place over the next four months. The first stage of the race to become the Democratic presidential nominee will include four contests in the early states of Iowa, New Hampshire, Nevada, and South Carolina. Although these states award a relatively small number of delegates, they have historically injected energy into the campaigns of the victors. The month of March will see 29 contests that award 62% of available delegates, with more than half of those occurring on Super Tuesday (March 3rd, 2020). The following month of April, with its 11 primaries, will carry added significance if a clear leader is not established after the eventful month of March. The primary season will conclude with 13 primaries taking place in May and early June. At this point, the candidate who has amassed the majority of delegates will go on to receive the Democratic nomination at the Democratic National Convention on July 13th, 2020.

### 2020 DEMOCRATIC PRIMARY: TIMELINE OF PLEDGED DELEGATES



\*A majority of the 3,979 pledged delegates are needed to win the Democratic nomination. An additional 771 superdelegates will participate on the first ballot if the nomination is uncontested.

## ***House Plans Thursday Vote on Medicaid Block Grant Resolution***

House leadership has announced plans for a Thursday vote on a resolution of disapproval of the White House's recently released Medicaid block grant plan, which Majority Leader Steny Hoyer (D-Md.) characterized as "yet another attempt to reduce access to health care and prescription drugs." The administration's plan – branded the Healthy Adult Opportunity – would encourage states to apply for permission to cap funding for the Affordable Care Act's (ACA) Medicaid expansion population. Under the new block grant program, states would have additional flexibility in administering the Medicaid program, allowing them to impose work requirements, cut provider payments, increase cost-sharing, or adopt a closed formulary for certain drugs.

More than 30 House Democrats signed on to a [letter](#) warning the administration against allowing states to block grant portions of their Medicaid funding. The lawmakers argue that such block grants are illegal under Section 1115, and that "previous statements from the administration make it clear that the goal of these block grants is to cut benefits and further limit access to publicly funded health care." The letter to HHS Secretary Alex Azar and Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma was led by Rep. Joe Kennedy (D-Mass.) and signed by 35 other Democratic lawmakers.

## ***Surprise Billing Developments Expected This Week***

House Democratic leadership is pushing committee leaders to finish negotiations on the issue of surprise insurance gaps before the current congressional work period ends on February 13. This would allow lawmakers to put together a final deal on surprise billing, along with drug pricing, ahead of the May 22 deadline to extend several health care programs. While the House Energy and Commerce Committee and Senate Health, Education, Labor, and Pensions (HELP) Committee have already reached a bipartisan, bicameral agreement on surprise billing, the House Ways and Means Committee is still expected to release a separate package this week and mark up the proposal on February 12. The House Education and Labor Committee also plans to release and mark up its own surprise billing legislation some time over the next two weeks. Additionally, the issue is on the agenda for discussion at the Congressional Progressive Caucus' next meeting. The caucus could potentially release its own set of recommendations for a solution to surprise billing, further complicating the ongoing negotiations.

## ***SOTU to Discuss Cost of Health Care, Rx Drugs***

In a 53-47 vote, the Senate adopted a plan to begin closing arguments in the impeachment trial of President Trump Friday, with a final vote on acquittal scheduled for Wednesday. This means that the impeachment trial will not be officially completed by the President's State of the Union address on February 4. According to a Trump administration official, the President will urge Congress to lower the cost of health care, including prescription drug prices, during his State of the Union on Tuesday. The White House has reportedly been coordinating with Sen. Chuck Grassley's (R-Iowa) office in preparing the remarks. Lawmakers hope to pass legislation that addresses both the problems of surprise billing and rising drug costs by May 22, the deadline to extend several expiring health care programs.

## ***Democrats Continue Push To Ban Flavored Tobacco Products***

Rep. Angie Craig (D-Minn.) has [written](#) to Speaker Nancy Pelosi (D-Calif.) asking House leadership to bring legislation (H.R. 2339) to the floor early this year that would ban all vaping flavors in response to rates of youth e-cigarette and tobacco use. The ***Reversing the Youth Tobacco Epidemic Act*** was introduced by Energy and Commerce Committee Chairman Frank Pallone (D-N.J.) and advanced by the panel last year. Rep. Craig's letter requesting its consideration by the full House of Representatives was co-signed by 13 other Democratic lawmakers.

### ***Bloomberg Releases Health Policy Platform***

**D**emocratic presidential candidate Michael Bloomberg is proposing to revise intellectual property (IP) protections for prescription drugs as a means to lower drug prices. His plan would give new drug and biologic applications one 20-year patent – preventing companies from making small changes to their products in order to gain multiple patents and delay generic competition from coming to market. He is the first 2020 presidential candidate to propose a limitation on the number of patents a drug can receive. Bloomberg would also require manufacturers to pay the government royalties on the sales of treatments that were commercially developed from NIH intellectual property. The revenue would be used to fund further NIH research and lower the cost of medicines for Medicare beneficiaries. Bloomberg has also endorsed House Democrat’s drug pricing measure, H.R. 3, the *Lower Drug Costs Now Act*.

### ***FDA Commissioner to Prioritize Data Modernization***

**D**uring his first all-hands meeting at the FDA, Commissioner Stephen Hahn stressed his intention to modernize and enhance data collection with the goal of speeding product reviews. He discussed the need to incorporate real-world data from electronic health records (EHRs), studies and patient registries, and patient input into the agency’s processes while maintaining integrity in data strategies. Dr. Hahn spoke about expanding the Patient-Focused Drug Development Initiative, and noted his intention to better communicate with consumers about the entire lifecycle of products regulated by the FDA.

### ***FDA Requests Withdrawal of Injectable Bacitracin***

**T**he FDA has requested the voluntary withdrawal of injectable versions of bacitracin, an antibiotic approved to treat infants with pneumonia and lung lining infections. While bacitracin is effective against staphylococcal bacteria, it also has serious side effects, including allergic reactions and kidney toxicity. The drug is mainly used off-label for the cleaning of surgical wounds. In April 2019, the Antimicrobial Drugs Advisory Committee voted 17-1 that the risks of injectable bacitracin outweigh the benefits.

## Upcoming Congressional Hearings and Markups

*House Select Committee on the Climate Crisis hearing “Creating a Climate Resilient America: Overcoming the Health Risks of the Climate Crisis;” 9:00 a.m., 1300 Longworth Bldg.; February 5*

*Senate Veterans’ Affairs Committee hearing “VA MISSION Act: Update on the Implementation of the Community Care Network;” 9:30 a.m., 418 Russell Bldg.; February 5*

*House Foreign Affairs Committee hearing “Unique Challenges Women Face in Global Health;” 10:00 a.m., 2172 Rayburn Bldg.; February 5*

*Senate Finance Committee hearing to consider pending nominations including Sarah C. Arbes, of Virginia, to be an Assistant Secretary of Health and Human Services; 10:00 a.m., 215 Dirksen Bldg.; February 5*

*House Energy and Commerce Subcommittee on Oversight and Investigations hearing “Vaping in America: E-Cigarette Manufacturers’ Impact on Public Health;” 10:30 a.m., 2123 Rayburn Bldg.; February 5*

*House Appropriations Subcommittee on Energy and Water Development oversight hearing “DOE’s Role in Advancing Biomedical Sciences;” 10:30 a.m., 2362-B Rayburn Bldg.; February 5*

*House Foreign Affairs Committee hearing “The Wuhan Coronavirus: Assessing the Outbreak, the Response, and Regional Implications;” 2:00 p.m., 2172 Rayburn Bldg.; February 5*

*House Ways and Means Subcommittee on Health hearing “More Cures for More Patients: Overcoming Pharmaceutical Barriers;” 2:00 p.m., 1100 Longworth Bldg.; February 5*

*Senate Homeland Security and Governmental Affairs Committee hearing to examine protecting the United States from global pandemics; 9:30 a.m., 342 Dirksen Bldg.; February 12*

## Recently Introduced Health Legislation

*H.Res.807 — Recognizing the roles and the contributions of America’s certified registered nurse anesthetists (CRNAs) and their role in providing quality health care for the public; Sponsor: Rep. Schakowsky, Janice D. [D-IL-9]; Committees: House - Energy and Commerce*

*H.R.5668 — To amend the Federal Food, Drug, and Cosmetic Act to modernize the labeling of certain generic drugs, and for other purposes; Sponsor: Rep. Matsui, Doris O. [D-CA-6]; Committees: House - Energy and Commerce*

*H.R.5672 — To establish the Commission on Sustaining Medicare and Social Security, and for other purposes; Sponsor: Rep. Bilirakis, Gus M. [R-FL-12]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.5681 — To amend the Public Health Service Act to require hospitals to submit notice to the Secretary of Health and Human Services before closing all or certain units or departments, and for other purposes; Sponsor: Rep. Boyle, Brendan F. [D-PA-2]; Committees: House - Energy and Commerce*

*H.R.5682 — To amend title 38, United States Code, to furnish hospital care and medical services to veterans, members of the reserve components of the Armed Forces, and dependents who were stationed at Wurtsmith Air Force Base in Oscoda, Michigan, and were exposed to volatile organic compounds, to provide for a presumption of service connection for those veterans and members of the reserve components, and for other purposes; Sponsor: Rep. Kildee, Daniel T. [D-MI-5]; Committees: House - Veterans’ Affairs*

*H.R.5688 — To amend the Public Health Service Act to provide for grants to enable States to carry out activities to reduce administrative costs and burdens in health care; Sponsor: Rep. Axne, Cynthia [D-IA-3]; Committees: House - Energy and Commerce*

*H.R.5691 — To require the Secretary to conduct a study and issue a report on the affordability of insulin; Sponsor: Rep. Craig, Angie [D-MN-2]; Committees: House - Energy and Commerce*

*H.R.5693 — To amend title XVIII of the Social Security Act to expand Medicare Rural Health Clinic Services and Federally Qualified Health Center Services to include physical therapy services; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Energy and Commerce; Ways and Means*

*H.R.5697 — To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish emergent mental health care to certain individuals, and for other purposes; Sponsor: Rep. Takano, Mark [D-CA-41]; Committees: House - Veterans' Affairs*

*S.3230 — A bill to amend title XVIII of the Social Security Act to provide for an extension of funding for technical assistance to small practices and practices in health professional shortage areas under the Merit-based Incentive Payment System (MIPS); Sponsor: Sen. Cortez Masto, Catherine [D-NV]; Committees: Senate - Finance*

*S.3233 — A bill to amend title XVIII of the Social Security Act to improve access to skilled nursing facility services for hemophilia patients; Sponsor: Sen. Menendez, Robert [D-NJ]; Committees: Senate - Finance*

*S.3237 — A bill to amend title XVIII of the Social Security Act to improve the annual wellness visit under the Medicare program; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate - Finance*

*S.3238 — A bill to amend title XVIII of the Social Security Act to provide coverage of preventive home visits under Medicare, and for other purposes; Sponsor: Sen. King, Angus S., Jr. [I-ME]; Committees: Senate - Finance*

*S.3244 — A bill to require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes; Sponsor: Sen. Rosen, Jacky [D-NV]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.R.5723 — To make a supplemental appropriation for the Public Health Emergency Fund, and for other purposes; Sponsor: Rep. DeLauro, Rosa L. [D-CT-3]; Committees: House - Appropriations; Budget*

*H.R.5727 — To provide for a study by the National Academy of Medicine on ambulance diversions, and for other purposes; Sponsor: Rep. Rush, Bobby L. [D-IL-1]; Committees: House - Ways and Means; Energy and Commerce*

*H.R.5729 — To amend the Public Health Service Act to authorize grants for increasing seasonal influenza vaccination rates, and for other purposes; Sponsor: Rep. Larsen, Rick [D-WA-2]; Committees: House - Energy and Commerce*

*H.R.5730 — To direct the Homeland Security Council and the National Security Council, in consultation with Federal departments and agencies responsible for biodefense, to update the National Strategy for Pandemic Influenza, and for other purposes; Sponsor: Rep. Larsen, Rick [D-WA-2]; Committees: House - Energy and Commerce; Armed Services; Foreign Affairs; Intelligence (Permanent); Agriculture*